

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WI-LAN INC.; WI-LAN USA, INC.; &
WI-LAN LABS, INC.,

Plaintiffs,

vs.

MOTOROLA MOBILITY LLC; &
MOTOROLA MOBILITY HOLDINGS,
LLC,

Defendants.

Civil Action No.: 1:19-cv-00941

Judge John F. Kness

Magistrate Judge Gabriel A. Fuentes

Jury Trial Demanded

**JOINT MOTION TO REQUEST SCHEDULING A
CLAIM CONSTRUCTION HEARING**

Pursuant to the instructions provided by the Honorable Gabriel A. Fuentes in ECF No. 76, Plaintiffs, Wi-LAN Inc., Wi-LAN USA, Inc., and Wi-LAN Labs, Inc. (collectively, “Wi-LAN” or “Plaintiffs”) and Defendants, Motorola Mobility LLC and Motorola Mobility Holdings, LLC (collectively, “Motorola” or “Defendants”) hereby jointly and respectfully request that the Court schedule a claim construction hearing.

The parties would be agreeable to the Court scheduling a claim construction hearing on or after January 26, 2021, at the Court’s convenience. LPR 4.3 contemplates that the claim construction hearing may be held within 28 days after filing of the Reply Claim Construction Brief, or as otherwise ordered by the Court. The current deadlines in this action are disclosed at pages 5 and 6 of ECF No. 67, which the parties have reproduced below for the convenience of the Court.

Event	Current Deadlines
Limitation of Asserted Claims (LPR 3.1(a)(1))	August 18, 2020
Final Infringement, Unenforceability, and Invalidity Contentions (LPR 3.1)	September 1, 2020
Final Non Infringement, Enforceability, and Validity Contentions (LPR 3.2)	September 29, 2020
Document Production Accompanying Final Invalidity Contentions (LPR 3.3)	September 29, 2020
Exchange of Proposed Claim Terms to be Construed Along with Proposed Constructions (LPR 4.1(a))	October 13, 2020
Meet and Confer Regarding Claim Terms (LPR 4.1(b))	October 20, 2020
Close of Fact Discovery (LPR 1.3)	November 10, 2020
Opening Claim Construction Brief (LPR 4.2(a))	November 17, 2020
Joint Appendix (LPR 4.2(b))	November 17, 2020
Responsive Claim Construction Brief (LPR 4.2(c))	December 15, 2020
Reply Claim Construction Brief (LPR 4.2(d))	December 29, 2020
Joint Claim Construction Chart, and Joint Status Report (LPR 4.2(f))	January 12, 2021
Exchange of Any Exhibits, Including Demonstrative Exhibits, to be Used at Claim Construction Hearing (LPR 4.3)	3 days before Claim Construction Hearing
Claim Construction Hearing (LPR 4.3)	The parties propose January 26, 2021. LPR 4.3 contemplates that the hearing may be held within 28 days after filing of the Reply Claim Construction Brief, or as otherwise ordered by the Court
Claim Construction Ruling	At the Court's convenience
Commencement of Discovery Concerning Opinions of Counsel (LPR 3.6)	35 days prior to the close of fact discovery, or the Claim Construction Ruling, whichever is later

Deadline to File Motion to Amend Final Contentions Due to a Claim Construction Ruling (LPR 3.4)	14 days after entry of the Claim Construction Ruling
Close of Fact Discovery (LPR 1.3)	63 days after entry of the Claim Construction Ruling
Initial Expert Reports (LPR 5.1(b))	21 days after the close of fact discovery, or the Claim Construction Ruling, or the Amendment of Final Contentions, whichever is later
Rebuttal Expert Reports (LPR 5.1(c))	35 days after Initial Expert Reports
Completion of Expert Witness Depositions (LPR 5.2)	35 days after Rebuttal Expert Reports
Final Day for Filing Dispositive Motions (LPR 6.1)	28 days after the completion of expert witness depositions

Date: November 6, 2020

/s/ Barry J. Bumgardner

Timothy E. Grochocinski (#6295055)

tim@nbafirm.com

Joseph P. Oldaker (#6295319)

joseph@nbafirm.com

NELSON BUMGARDNER ALBRITTON P.C.

15020 S. Ravinia Ave., Suite 29

Orland Park, Illinois 60462

P: (708) 675-1975

F: (708) 675-1786

Barry J. Bumgardner

Texas State Bar No. 00793424

barry@nbafirm.com

Eric M. Albritton

Texas State Bar No. 00790215

ema@nbafirm.com

John P. Murphy

Texas State Bar No. 24056024

murphy@nbafirm.com

Robert A. Delafield II (*pro hac vice*)

Texas State Bar No. 24065137

bobby@nbafirm.com

NELSON BUMGARDNER ALBRITTON P.C.
3131 W. 7th Street, Suite 300
Fort Worth, Texas 76107
P: (817) 377-9111

Shawn A. Latchford
Texas State Bar No. 24066603
shawn@nbafirm.com
NELSON BUMGARDNER ALBRITTON P.C.
204 N. Fredonia Street
Longview, Texas 75601
P: (903) 757-8449

**COUNSEL FOR PLAINTIFF WI-LAN INC.;
WI-LAN USA, INC.; & WI-LAN LABS, INC.**

Date: November 6, 2020

/s/ R. David Donoghue
R. David Donoghue (*lead trial counsel*)
david.donoghue@hklaw.com
Anthony J. Fuga
anthony.fuga@hklaw.com
HOLLAND & KNIGHT LLP
150 North Riverside Plaza, 27th floor
Chicago, IL 60606
Tel: (312) 263-3600
Fax: (312) 578-6666

Taylor Han (*pro hac vice*)
taylor.han@hklaw.com
Allison Lucier (*pro hac vice*)
allison.lucier@hklaw.com
Jacob W. S. Schneider
jacob.schneider@hklaw.com
HOLLAND & KNIGHT LLP
10 St. James Ave.
Boston, MA 02116
Tel: (617) 523-2700
Fax: (617) 523-6850

**COUNSEL FOR DEFENDANTS
MOTOROLA MOBILITY LLC; &
MOTOROLA MOBILITY HOLDINGS, LLC**